REMARKS

Preliminary Remarks

In the Office Action mailed September 12, 2007 (hereinafter "Office Action"), the specification was objected to because of informalities in two paragraphs on page 8. The Office Action also rejected Claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,721,853, to Smith (hereinafter "Smith"), in view of U.S. Patent No. 6,915,489, to Gargi (hereinafter "Gargi").

In response, applicants have amended Claims 1, 5, 7-12, 17, 20, and 21. Claims 22-26 are new. Claim 16 is canceled. Claims 1-15 and 17-26 are now pending in the application.

Applicants thank the examiner for his time in discussing the Office Action in a telephone interview conducted on October 10, 2007. While no agreement was made as to the prior art rejections, Applicants have amended the specification as suggested by the Examiner to address the corresponding objection, and respectfully request that this objection be withdrawn.

Pursuant to 37 C.F.R. § 1.111 and for the reasons set forth below, applicants respectfully traverse the Section 103(a) rejections and request reconsideration and allowance of the pending claims. Prior to discussing the reasons why applicants believe that the pending claims are in condition for allowance, a brief description of the disclosed subject matter and the cited references are presented. It should be appreciated, however, that the following descriptions are provided to assist the Examiner in appreciating the differences between the claimed subject matter and cited references, and should not be construed as limitations on the disclosed subject matter.

Brief Descriptions

Disclosed Subject Matter

The disclosed subject matter is directed to a method, system, and medium suitable for rendering substantially instantaneously thumbnail data pre-cached in a volatile memory. The thumbnail data is rendered once an indicator or pointer is hovered over an icon that has associated thumbnail data stored in the volatile memory.

Once an indicator or pointer is hovered over an icon, thumbnail data is pre-cached for other icons in the vicinity of the indicator or pointer, up to a pre-set maximum number of icons. A superimposed view of the thumbnail data is rendered in the vicinity of the icon.

Smith (U.S. Patent No. 5,721,853)

Smith, according to its abstract, purportedly discloses a system for implementing an always-on-top interface-to-interface, comprising a spot interface that is sufficiently small that it may lie unobtrusively over any open window such that it is always on top. The spot interface comprises an active region represented by a small graphical display element (GDE) having the appearance of a sphere, which unless disabled by a user, is always visible regardless of which is the topmost window. When a mouse pointer is moved into the spot GDE, a ring or collar having four radial quadrants representing menu items is displayed after waiting a user specified length of time. These radial menu items are displayed around the GDE. When the mouse pointer is subsequently moved into any of the four quadrants of the collar, a secondary rectangular interface hierarchically associated with the quadrant is displayed after waiting a user specified length of time. The secondary interface may be locked open such that it will not close when the mouse pointer is moved out of area defined by the interface. Periodic animation of the spot GDE may be provided.

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Gargi (U.S. Patent No. 6,915,489)

Gargi, according to its abstract, purportedly discloses image browsing through memory-stored items, such as a library of images or desktop windows. This browsing is performed by arranging images in partially overlapping fashion and generating a second-level image for each overlapped image that is contacted by a user-manipulated cursor. The second-level image is a "transitory" image, since it is removed as soon as the cursor is displaced from the corresponding first-level image. Thus, by placing the first-level images in a diagonally extending stack, straight line movement of the cursor will initiate a sequential presentation of transitory images for the images in the stack. In one embodiment, the display also includes an incrementing icon and a decrementing icon that are employed to provide substitute stacks. Moreover, a third-level image is formed in a separate window when the user selects one of the images from the stack. This third-level image has more permanency, since it remains in the display window after the stack has been substituted. The images may be digital photographs, but other applications are contemplated.

Independent Claims 1 and 20

The Office Action rejected Claims 1 and 20 as being unpatentable under 35 U.S.C. § 103(a) over Smith in view of Gargi. Applicants respectfully traverse these rejections. The Office Action recites various portions of Smith and Gargi as suggesting the features of these claims. Applicants respectfully submit that neither Smith nor Gargi, either alone or in combination, teach or suggest rendering a *superimposed* view of at least a portion of the thumbnail data, the *superimposed* view rendered *in the vicinity of the icon*.

As described above, Gargi purports to teach image browsing through memory-stored items. Gargi, Abstract. The system in Gargi purportedly renders a second-level image **64** when a pointer **62** is brought into contact with a first-level image **56**. (Gargi, Figure 3; Col. 4,

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lines 11-14.) The first-level images are displayed in a line, and the second-level images are displayed in a offset, fixed position adjacent to the line. (Gargi, Figure 3; Col. 2, lines 59-63.) This fixed placement and offset position are a deliberate aspect of Gargi that allegedly allow the user to "browse through the images in the stack without a significant shift in eye positioning." (Gargi, Col. 2, lines 63-65.) Applicants submit that not only does Gargi not teach or suggest all of the recitations of amended Claims 1 and 20, but Gargi also teaches away from the recitations of Claims 1 and 20.

In contrast, the recited features of Claims 1 and 20 describe a superimposed view in the vicinity of the icon. The location of a superimposed view displayed in the vicinity of an icon changes for each icon. This is illustrated in Figure 4 and Figure 5, as the thumbnail data **450** associated with "Accotink1.jpg" and thumbnail data **550** associated with "Rejections.ppt" are displayed superimposed in different positions in the vicinity of the respective icons. Gargi teaches away from this because its offset, fixed image positioning is meant to facilitate fast browsing without eye movement. The use of a superimposed view in the vicinity of the icon would undermine this goal of Gargi. Eye movement would be required as the superimposed view was rendered in different locations, thus impeding Gargi's fast browsing goal.

Since Gargi does not teach or suggest rendering a *superimposed* view of at least a portion of the thumbnail data, the superimposed view rendered *in the vicinity* of the icon, and Smith does not make up for the deficiencies of Gargi, alone or in combination, applicants respectfully submit that Claims 1 and 20 are patentable and that withdrawal of the 35 U.S.C. § 103(a) rejections with respect to Claims 1 and 20 is merited.

Independent Claims 12 and 21

The Office Action rejected Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Gargi, using the same rationale as Claim 1. Applicants respectfully traverse

these rejections. Applicants submit that neither Smith nor Gargi, either alone or in combination, teach or suggest the limitations of Claims 12 and 21, as amended.

As amended, Claim 12 recites:

> 12. A method, comprising:
> *obtaining a predetermined maximum number of icons for which thumbnail data will be pre-cached, independent of the number of icons displayed;*
> pre-caching thumbnail data associated with at least one icon and *up to the predetermined maximum number of icons*, the thumbnail data representative of content of an associated object, and the icons displayed in a viewable interface; and
> displaying the pre cached thumbnail data associated with a displayed icon when an indicator is hovered substantially over the icon. (Emphasis added).

As amended, Claim 21 similarly recites:

> 21. A computer readable medium having instructions stored thereon that direct a computing system to:
> *obtain a predetermined maximum number of icons for which thumbnail data will be pre-cached, independent of the number of icons displayed;*
> pre-cache thumbnail data associated with at least one icon and *up to the predetermined maximum number of icons*, the thumbnail data representative of content of an associated object, and the icons displayed in a viewable interface; and
> display the pre-cached thumbnail data associated with a displayed icon when an indicator is hovered substantially over the icon. (Emphasis added).

Applicants respectfully submit that Smith, in view of Gargi, alone or in combination, do not teach or suggest these elements. Assuming, arguendo, that Smith or Gargi disclose the pre-caching of thumbnail data, nothing in Smith or Gargi teaches or suggests the additional feature of pre-caching thumbnail data for *up to a predetermined maximum number of icons*. Accordingly, applicants respectfully submit that Claims 12 and 21 are patentable and that withdrawal of the 35 U.S.C. § 103(a) rejections with respect to Claims 12 and 21 is merited.

Independent Claim 17

The Office Action rejected Claim 17 as being unpatentable under 35 U.S.C. § 103(a) over Smith in view of Gargi, using the same reasoning as for Claim 1. Applicants respectfully traverse this rejection.

Applicants respectfully submit that neither Smith nor Gargi, either alone or in combination, teach or suggest "the thumbnail data and the icon are different," as recited in amended Claim 17. The Office Action admits that Smith does not disclose rendering a view of at least a portion of the thumbnail data, the view rendered in the vicinity of the icon. Instead, the Office Action relies on Gargi to find support for the display of thumbnail data. See Office Action, page 3. However, Gargi does not teach or suggest thumbnail data that is different from the icon, but instead purportedly shows an icon and thumbnail data that are the same. For example, Figures 3 and 4 of Gargi purportedly show a first-level image **56** that is substantially the same image as the displayed second-level image **64**. Applicants respectfully submit that this does not teach or suggest the thumbnail data and the icon are different, but instead suggests that the thumbnail data and the icon are the same.

Accordingly, applicants respectfully submit that Claim 17 is patentable and that withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claim 17 is merited.

Dependent Claims 2-11 and 22

The Office Action rejected Claims 2-11 as being unpatentable under 35 U.S.C. § 103(a) over Smith in view of Gargi. Rejected Claims 2-11 and new Claim 22 depend from Claim 1. Applicants respectfully submit that these claims are allowable at least by virtue of these dependencies as well as by virtue of the other limitations set forth therein.

In particular, with respect to Claim 7, applicants respectfully submit that neither Smith nor Gargi teaches or suggests that the number of icons for which thumbnail data is pre-cached is

a *predetermined maximum* (as argued above with respect to Claims 12 and 21). Also, with respect to Claim 9, applicants respectfully submit that neither Smith nor Gargi teaches or suggests that the predetermined maximum number of icons is greater than one and less than or equal to a total number of icons viewable within an environment the icon is displayed in. Finally, with respect to Claim 22, applicants respectfully submit that neither Smith nor Gargi teaches or suggests that the icon and the rendered view of the thumbnail data are different (as argued above with respect to Claim 17).

Applicants therefore respectfully submit that Claims 2-11 and 22 are patentable and that withdrawal of the 35 U.S.C. § 103(a) rejection of Claims 2-11 is merited.

Dependent Claims 13-15 and 23-26

The Office Action rejected Claims 13-15 as being unpatentable under 35 U.S.C. § 103(a) over Smith in view of Gargi. Rejected Claims 13-15 and new Claims 23-26 depend from Claim 12. Applicants submit that these claims are allowable at least by virtue of this dependency, as well as by virtue of the other limitations set forth therein. In particular, nothing in Smith or Gargi teaches or suggests pre-caching thumbnail data for less than the total number of icons displayed (Claim 23), or how to choose the icons for which thumbnail data will be pre-cached (Claims 24-26).

Applicants therefore respectfully submit that Claims 13-15 and 23-26 are patentable and that withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claims 13-15 is merited.

Dependent Claims 18 and 19

The Office Action rejected Claims 18 and 19 as being unpatentable under 35 U.S.C. § 103(a) over Smith in view of Gargi. Rejected Claims 18 and 19 depend from Claim 17. Applicants submit that these claims are allowable at least by virtue of these dependencies as well as by virtue of the other limitations set forth therein.
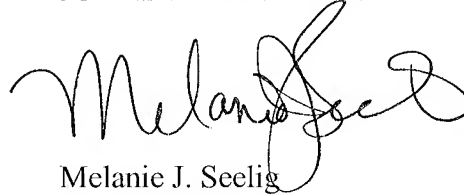
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Applicants therefore respectfully submit that Claims 18 and 19 are patentable and that withdrawal of the 35 U.S.C. § 103(a) rejections with respect to Claims 18 and 19 is merited.

CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that all of the claims in this application are allowable over the cited references. Accordingly, applicants respectfully request that all the claims pending in the application be allowed and this application be passed to issue. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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